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 County of San Diego
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Attorneys for Defendant County of San Diego (erroneously sued as San Diego County Sheriff's Department)

**IN THE UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

JEFFREY MOURNING,

Plaintiff,

v.

COUNTY OF SAN DIEGO, a
 Governmental entity, SAN DIEGO
 SHERIFF'S DEPARTMENT, a Public
 Entity; and DOES 1 through 40, inclusive,

Defendants.

No. '13CV2634 BTM NLS

NOTICE OF REMOVAL OF CIVIL
 ACTION

[28 U.S.C. §§ 1441, 1446]

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT
 COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA:

Petitioner/defendant on removal respectfully shows:

1. Petitioner is a defendant in the above-entitled action, which was commenced on July 25, 2013, in the Superior Court of the State of California, County of San Diego, Central Branch, Case No. 37-2013-00059391-CU-PO-CTL and is now pending therein.

2. The service status of the defendants named in the caption is as follows:

| NAME | DATES OF SERVICE |
|-------------------------------------|---|
| San Diego County | Not Served |
| San Diego County Sheriff Department | Not a public entity subject to service of process |

1 3. Unserved defendant San Diego County consent to removal.

2 4. The case as alleged in plaintiff's complaint is removable pursuant to 28
3 United States Code section 1441, in that it alleges liability arising under the Constitution
4 and laws of the United States, specifically 42 United States Code sections 1981, 1983,
5 1985, and 1986, and Title VI of the Civil Rights Act of 1964, and First, Fourth, Fifth, and
6 Fourteenth Amendments to the United States Constitution.

7 5. Petitioner/Defendant files herewith, as set forth in Exhibit A, copies of all
8 process and pleadings received by him in the foregoing Superior Court action, which is
9 now removed to this Court.

10 DATED: October 31, 2013 THOMAS E. MONTGOMERY, County Counsel

11
12 By /s:/Kevin G. Kennedy
13 KEVIN G. KENNEDY, Senior Deputy
14 Attorneys for Defendant County of San Diego
 (erroneously sued as San Diego County Sheriff's
 Department)